



W.A.No.3220 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.3220 of 2023

K.R.Andu Gowder

.. Appellant

Vs.

1. The Principle Secretary /
Commissioner of Revenue (Administration)
Disaster Management and Mitigation
Ezhilagam, Chennai – 600 005.

2. The District Collector
Collector Office
Commissioner Office Road
The Nilgiris – 643 001.

3. K.R.Arjunan

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order in W.P.No.42285 of 2016 dated 03.03.2023.

For the Appellant : Mr.N.Kathiresan
for Ms.A.Loba Mudra

For the Respondents : Mr.P.Muthukumar
State Government Pleader
assisted by Mr.T.K.Saravanan
Government Advocate
for R1 and R2



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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Heard Mr.N.Kathiresan, learned counsel appearing for Ms.A.Loba Mudra, learned counsel for the appellant and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mr.T.K.Saravanan, learned Government Advocate for respondents 1 and 2.

2. The present appellant has filed a writ petition before the learned Single Judge, challenging the order passed by the first respondent, rejecting the appeal filed by the appellant to cancel the gun licence issued to the third respondent herein. The learned Single Judge dismissed the writ petition. Aggrieved thereby, the present appeal.

3. Learned counsel for the appellant strenuously contends that the third respondent has claimed the licence of the gun on the basis of the forged and fabricated Will, allegedly executed by the blood



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brother of the appellant. The appellant and the third respondent are half-brothers. The probate proceedings are still pending. Probate has not been issued in favour of the third respondent. In view of that, the authority could not have granted gun licence to the third respondent relying upon the Will.

4. Learned counsel for the appellant submits that in the suit between the appellant and his blood brother for partition and separate possession, after the death of the blood brother, the third respondent applied to be impleaded on the basis of the Will. The said application was rejected. The civil revision petition filed against the said order was dismissed by the learned Single Judge of this Court under order dated 25.07.2005 in C.R.P.(NPD)No.546 of 2003. In view of that, no licence could have been issued in favour of the third respondent, relying upon the forged and fabricated Will. The learned Single Judge did not consider the said aspect.

5. The appellant and the third respondent are half-brothers.



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One K.R.Raju, the blood brother of the appellant died on 24.03.2002. The third respondent made an application for gun licence and the same was granted on 19.11.2003. The reason for gun licence was stated as "self-protection". The appellant filed an application before the second respondent for canceling the gun licence on the ground that the same is on the basis of the unregistered Will and the probate is not yet obtained.

6. Learned Single Judge considered the fact that the gun is in the possession of the third respondent and the parameters for the grant of licence are completely different from ownership of the asset. The third respondent was issued with the gun licence for self-protection. With regard to the validity of the Will, proceedings are pending between the parties. The learned Single Judge observed that *"while the veracity or otherwise of the Will would have a bearing on the bequeaths thereunder, the impugned order relates to the grant of arms licence"*. Unless the grounds/conditions for grant of armed licence are violated, an order for revoking the licence may



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7. In the light of the above, we do not find any error in the order passed by the learned Single Judge. Accordingly, the writ appeal stands disposed of. There will be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)
23.11.2023

Index : Yes/No
Neutral Citation : Yes/No

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